HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.21348 of 2006

Date: 5th January, 2007

Between :-

Adari Koteswara Rao .. Petitioner

And

The Commissioner,
Tuni Municipality,
Tuni, East Godavari District .. Respondent

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.21348 of 2006

ORDER:-

1. The Writ Petition is filed for a Writ of Mandamus under Article 226 of the Constitution of India declaring the inaction of the respondent in not proceeding further and handing over the shop No.38/4 in Municipal Shopping Complex at Golla Apparao Centre, Tuni, pursuant to the auction held on 3-11-2005 and acceptance of the highest bid of the petitioner by the Municipal Council, Tuni, in its Resolution No.237, dt. 22-11-2005, as arbitrary, discriminary, illegal and void and further direct the respondent to lease out the said shop and deliver vacant possession to the petitioner and pass such other suitable orders.

2. Counter affidavit is filed averring that subsequently the petitioner in his letter dt.13-10-2006 requested the respondent Municipality to cancel his bid confirmed in auction dt.3-11-2005 and to return back the deposit amount. The petitioner's request for cancellation of bid is accepted by Municipal Council vide its Resolution No.256, dt.27-10-2006 and the settlement proposals of the persons who are in unauthorized occupation of shop

No.38 is accepted subject to withdrawal of suits, payment of goodwill amount, rent fixed per month with arrears. It is also stated that the petitioner agreed to withdraw the writ proceedings as already the writ petitioner received an amount of Rs.20,000/- and the bid was cancelled.

3. In view of the same, no further Orders are required and the Writ Petition is hereby closed. No order as to costs.

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Justice P.S.Narayana

5th January, 2007

smr